

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

RICHARD REICHART, :  
Plaintiff, :  
v. : Case No. 3:14-cv-21-KRG-KAP  
JOHN E. WETZEL, Superintendent, :  
S.C.I. Houtzdale, et al., :  
Defendants :


Report and Recommendation

Plaintiff's "Motion to Alter or Amend the Judgement" at docket no. 13, see Fed.R.Civ.P. 59, was referred to me under 28 U.S.C. § 636(b)(3). The motion should be denied.

Plaintiff does not suggest an intervening change in controlling law or the availability of new evidence, and does not show the need to correct a clear error of law or prevent manifest injustice. See Wiest v. Lynch, 710 F.3d 121, 128 (3d Cir.2013) (discussing three purposes of motion under Fed.R.Civ.P. 59). The motion also asks this court to transfer the matter to the Court of Common Pleas of Clearfield County, but the state courts are part of a different government, and under 42 Pa.C.S. § 5103(b)(2), plaintiff must file his own certified transcript of the final judgment and the related pleadings there. The Clerk can send plaintiff a certified copy of the judgment in this court.

Pursuant to 28 U.S.C. § 636(b)(1), the parties are given notice that they have fourteen days to serve and file written objections to this Report and Recommendation.

DATE: June 9, 2014

  
\_\_\_\_\_  
Keith A. Pesto,  
United States Magistrate Judge

Notice to counsel of record by ECF and by U.S. Mail to:

Richard Reichart JW-7635  
S.C.I. Houtzdale  
P.O. Box 1000  
Houtzdale, PA 16698-1000